



Patent No. 10873.403USRE

MERCHANT & GOULD P.C.

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **IMAGE HEATING DEVICE AND IMAGE FORMING DEVICE USING THE SAME**

The specification of which

- a. ☐ is attached hereto
b. ☒ was filed on February 1, 2002 as application serial no. 10/066,035 and was amended on (if applicable) (in the case of a PCT-filed application) described and claimed in international no. filed and as amended on (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

- a. ☐ no such applications have been filed.
b. ☒ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
Japan	10-132984	15 May 1998	
Japan	10-203005	17 July 1998	
ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)

I acknowledge the duty to disclose information that is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (reprinted below):

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information that is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;

or

- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

Identification of Error:

I believe that the original patent, upon which the present reissue is based, may be partially inoperative for failing to claim all that the inventors were entitled to claim. The granted claims are in error for not adequately reflecting the aspect of the invention disclosed at column 21, line 50 to column 22, line 25, and column 23, lines 5-45, as now reflected at least in new claim 35 which reads: An image heating device comprising: a heat-generating member comprising a magnetic layer; a magnetization member for magnetizing said heat-generating member with an alternating magnetic field, which is arranged in opposition to said heat-generating member; a nip portion for heating a recording material that carries a toner image with heat from said heat-generating member; while the recording material is being conveyed along said nip portion; wherein the nip portion is formed by a movable film contacting said heat-generating member; and a pressure member for pressing against said film. I confirm that all errors being corrected in this reissue application were made without any deceptive intent.

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Ali, M. Jeffer	Reg. No. 46,359	Kowalchyk, Katherine M.	Reg. No. 36,848
Altera, Allan G.	Reg. No. 40,274	Lamberty, Michael	Reg. No. 50,760
Anderson, Gregg I.	Reg. No. 28,828	Larson, James A.	Reg. No. 40,443
Batzli, Brian H.	Reg. No. 32,960		
Beard, John L.	Reg. No. 27,612		
Berns, John M.	Reg. No. 43,496		
Branch, John W.	Reg. No. 41,633		
Brown, Jeffrey C.	Reg. No. 41,643		
Bruess, Steven C.	Reg. No. 34,130		
Burnham, Jonelle	Reg. No. 41,980		
Byrne, Linda M.	Reg. No. 32,404		
Campbell, Keith	Reg. No. 46,597		
Carlson, Alan G.	Reg. No. 25,959		
Caspers, Philip P.	Reg. No. 33,227		
Clifford, John A.	Reg. No. 30,247		
Cook, Jeffrey	Reg. No. 48,649		
Daignault, Ronald A.	Reg. No. 25,968		
Daley, Dennis R.	Reg. No. 34,994		
Daulton, Julie R.	Reg. No. 36,414		
DeVries Smith, Katherine M.	Reg. No. 42,157		
DiPietro, Mark J.	Reg. No. 28,707		
Doscotch, Matthew A.	Reg. No. 48,957		
Edell, Robert T.	Reg. No. 20,187		
Epp Ryan, Sandra	Reg. No. 39,667		
Fitzsimmons, Karen A.	Reg. No. 50,470		
Gadiano, Christina M.	Reg. No. 37,628		
Goff, Jared S.	Reg. No. 44,716		
Goggin, Matthew J.	Reg. No. 44,125		
Golla, Charles E.	Reg. No. 26,896		
Gorman, Alan G.	Reg. No. 38,472		
Gould, John D.	Reg. No. 18,223		
Gregson, Richard	Reg. No. 41,804		
Gresens, John J.	Reg. No. 33,112		
Hamer, Samuel A.	Reg. No. 46,754		
Hamre, Curtis B.	Reg. No. 29,165		
Hennings, Mark	Reg. No. 48,982		
Hertzberg, Brett A.	Reg. No. 42,660		
Hillson, Randall A.	Reg. No. 31,838		
Holzer, Jr., Richard J.	Reg. No. 42,668		
Hope, Leonard J.	Reg. No. 44,774		
Hornsby, III, Alton	Reg. No. 47,299		
Jardine, John S.	Reg. No. 48,835		
Johns, Nicholas P.	Reg. No. 48,995		
Johnston, Scott W.	Reg. No. 39,721		
Kadievitch, Natalie D.	Reg. No. 34,196		
Kalinsky, Robert A.	Reg. No. 50,471		
Kettelberger, Denise	Reg. No. 33,924		
Keys, Jeramie J.	Reg. No. 42,724		
Knearl, Homer L.	Reg. No. 21,197		
Kowalchyk, Alan W.	Reg. No. 31,535		

Leonard, Christopher J.	Reg. No. 41,940	Stoll-DeBell, Kirstin L.	Reg. No. 43,164
Ljepa, Mara E.	Reg. No. 40,066	Sullivan, Timothy	Reg. No. 47,981
Lindquist, Timothy A.	Reg. No. 40,701	Sumner, John P.	Reg. No. 29,114
Lown, Jean A.	Reg. No. 48,428	Swenson, Erik G.	Reg. No. 45,147
McDonald, Daniel W.	Reg. No. 32,044	Tellekson, David K.	Reg. No. 32,314
McIntyre, Jr., William F.	Reg. No. 44,921	Trembath, Jon R.	Reg. No. 38,344
Mueller, Douglas P.	Reg. No. 30,300	Tunheim, Marcia A.	Reg. No. 42,189
Nelson, Anna M.	Reg. No. 48,935	Underhill, Albert L.	Reg. No. 27,403
Parsons, Nancy J.	Reg. No. 40,364	Vandenburgh, J. Derek	Reg. No. 32,179
Pauly, Daniel M.	Reg. No. 40,123	Vidovich, Kristin K.	Reg. No. 41,448
Peterson, Kyle T.	Reg. No. 46,989	Wahl, John R.	Reg. No. 33,044
Phillips, John B.	Reg. No. 37,206	Weaver, Paul L.	Reg. No. 48,640
Pino, Mark J.	Reg. No. 43,858	Welter, Paul A.	Reg. No. 20,890
Pytel, Melissa J.	Reg. No. 41,512	Whipps, Brian	Reg. No. 43,261
Qualey, Terry	Reg. No. 25,148	Whitaker, John E.	Reg. No. 42,222
Randall, Joshua N.	Reg. No. 50,719	Wier, David D.	Reg. No. 48,229
Reich, John C.	Reg. No. 37,703	Williams, Douglas J.	Reg. No. 27,054
Reiland, Earl D.	Reg. No. 25,767	Withers, James D.	Reg. No. 40,376
Schmaltz, David G.	Reg. No. 39,828	Wong, Bryan A.	Reg. No. 50,836
Schuman, Mark D.	Reg. No. 31,197	Wong, Thomas S.	Reg. No. 48,577
Schumann, Michael D.	Reg. No. 30,422	Young, Thomas	Reg. No. 25,796
Scull, Timothy B.	Reg. No. 42,137	Zeuli, Anthony R.	Reg. No. 45,255
Sebald, Gregory A.	Reg. No. 33,280		
Skoog, Mark T.	Reg. No. 40,178		
Spellman, Steven J.	Reg. No. 45,124		
Stewart, Alan R.	Reg. No. 47,974		

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant & Gould P.C. to the contrary.

I understand that the execution of this document, and the grant of a power of attorney, does not in itself establish an attorney-client relationship between the undersigned and the law firm Merchant & Gould P.C., or any of its attorneys. Please direct all correspondence in this case to Merchant & Gould P.C. at the address indicated below:

Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903



I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2	Full Name Of Inventor	Family Name Terada	First Given Name Hiroshi	Second Given Name
0	Residence & Citizenship	City Ikoma	State or Foreign Country Nara	Country of Citizenship Japan
1	Mailing Address	Address 8-25, Mayumi 4-chome	City Ikoma	State & Zip Code/Country Nara 630-0122 / Japan
Signature of Inventor 201:			Date:	
Hiroshi Terada			June 12, 2003	

2	Full Name Of Inventor	Family Name Toyoda	First Given Name Akinori	Second Given Name
0	Residence & Citizenship	City Katano	State or Foreign Country Osaka	Country of Citizenship Japan
2	Mailing Address	Address 10-419, Ikuno 1-chome	City Katano	State & Zip Code/Country Osaka 576-0054 / Japan
Signature of Inventor 202:			Date:	
			June 12, 2003	
2	Full Name Of Inventor	Family Name Urata	First Given Name Yoshihito	Second Given Name
0	Residence & Citizenship	City Katano	State or Foreign Country Osaka	Country of Citizenship Japan
3	Mailing Address	Address 1-38-20, Kisabe	City Katano	State & Zip Code/Country Osaka 576-0052 / Japan
Signature of Inventor 203:			Date:	
			June 12, 2003	
2	Full Name Of Inventor	Family Name Yamamoto	First Given Name Hajime	Second Given Name
0	Residence & Citizenship	City Ikoma	State or Foreign Country Nara	Country of Citizenship Japan
4	Mailing Address	Address 4-18-1, Kitayamato	City Ikoma	State & Zip Code/Country Nara 630-0121 / Japan
Signature of Inventor 204:			Date:	
			June 12, 2003	
2	Full Name Of Inventor	Family Name Genji	First Given Name Nobuo	Second Given Name
0	Residence & Citizenship	City Osakasayama	State or Foreign Country Nara	Country of Citizenship Japan
5	Mailing Address	Address 3-361-1-324, Handa	City Osakasayama	State & Zip Code/Country Osaka 589-0011 / Japan
Signature of Inventor 205:			Date:	
			July 8, 2003	
2	Full Name Of Inventor	Family Name Ishimaru	First Given Name Naoaki	Second Given Name
0	Residence & Citizenship	City Minoo	State or Foreign Country Osaka	Country of Citizenship Japan
6	Mailing Address	Address 5-15-A401, Niina	City Minoo	State & Zip Code/Country Osaka 562-0005 / Japan
Signature of Inventor 206:			Date:	
			July 4, 2003	
2	Full Name Of Inventor	Family Name Nakatsugawa	First Given Name Tatsuo	Second Given Name
0	Residence & Citizenship	City Utsunomiya	State or Foreign Country Tochigi	Country of Citizenship Japan
7	Mailing Address	Address 29-57, Tsurutamachi	City Utsunomiya	State & Zip Code/Country Tochigi 320-0851 / Japan
Signature of Inventor 207:			Date:	
			June 27, 2003	

2	Full Name Of Inventor	Family Name Naito	First Given Name Masakazu	Second Given Name
0	Residence & Citizenship	City Shioya	State or Foreign Country Tochigi	Country of Citizenship Japan
8	Mailing Address	Address 2-8-18, Housekidai, Takanezawa-cho	City Shioya	State & Zip Code/Country Tochigi 329-1231 / Japan
Signature of Inventor 208:			Date:	
Masakazu Naito			June 20, 2003	